

REMARKS

Claims 1-21 are pending in the application. Claims 1 and 9 are amended with this response. Reconsideration of the application is respectfully requested in view of the following remarks.

I. REJECTION OF CLAIMS 9-20 UNDER 35 U.S.C. § 102(b)

Claims 9-20 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,920,557 (Hirata). Withdrawal of the rejection is respectfully requested for at least the following reasons.

Claim 9 is directed to a method for controlling the transmission time of a continuous transmission signal, and comprises comparing an actual transmission time signal with a nominal transmission time signal, and producing a difference signal based on the comparison. The method further comprises correcting the actual transmission time to minimize a discrepancy between the two transmission times, wherein the correction is set by a value of a conversion ratio of a fractional sampling rate of an input data signal and an output data signal, respectively. Hirata does not teach this feature.

Hirata teaches a synchronization circuit in Fig. 2 and corresponding text. While data is compared in a data comparison circuit 4, and the comparison is employed to generate a corrected timing pulse S12, the timing pulse does not provide for a correction of the actual transmission time **by a value of a conversion ratio of a fractional sampling rate of an input data signal and an output data signal** as recited in claim 9. While the Office Action generally cites to Col. 3, line 6 – Col. 5, line 24 of Hirata as teaching this feature, no discussion of a conversion ratio of a fractional sampling rate of an input data signal and an output data signal is found therein. Therefore the cited reference does not anticipate the claimed invention. Accordingly, withdrawal of the rejection is respectfully requested.

II. REJECTION OF CLAIMS 1-2, 4-5, 8 AND 21 UNDER 35 U.S.C. § 103(a)

Pending claims 1-2, 4-5, 8 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hirata in view of U.S. Patent No. 6,388,997 (Scott).

Withdrawal of the rejection is respectfully requested for at least the following reasons.

Claim 1 is directed to a device for controlling a transmission time of a continuous transmission signal. The device comprises a correction unit that comprises a ***fractional sampling rate converter that is configured to receive a correction signal and adjust a sampling rate conversion ratio based thereon***. The output data signal is produced using the adjusted sampling rate conversion ratio. Hirata does not teach this feature. As highlighted above, Hirata teaches a synchronization circuit that compares signals and generates a corrected timing pulse S12 in response thereto. However, Hirata does not teach or suggest a fractional sampling rate converter that is configured to adjust a sampling rate conversion ratio associated therewith. Further, Hirata does not teach producing an output data signal using the adjusted sampling rate conversion ratio as claimed. Scott does not remedy the deficiencies in Hirata. Therefore claim 1 and its associated depending claims are non-obvious over the cited art. Accordingly, withdrawal of the rejection is respectfully requested.

Claim 21 depends upon claim 9. As highlighted above, Hirata does not teach the invention of claim 9, and Scott does not remedy the deficiencies thereof. Therefore claim 21 is also patentable over the cited art. Accordingly, withdrawal of the rejection is respectfully requested.

III. CONCLUSION

For at least the above reasons, pending claims currently under consideration are believed to be in condition for allowance and notice thereof is requested.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

In addition, should any fees be due as a result of the filing of this response, the Commissioner is hereby authorized to charge the Deposit Account Number 50-1733, LLP141WOUS.

Respectfully submitted,
ESCHWEILER & ASSOCIATES, LLC

By



Thomas G. Eschweiler
Reg. No. 36,981

National City Bank Building
629 Euclid Avenue, Suite 1000
Cleveland, Ohio 44114
(216) 502-0600

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: January 25, 2007


Christine Gillroy